

# **EXHIBIT 3**

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September 28, 2015

**Via Electronic Mail**

David L. Sluis  
WilmerHale  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA

Re: ***SolarCity Corp. v. Salt River Project Agricultural Improvement and Power Dist.***  
**Case No. 2:15-CV-00374-DLR (D. Ariz.)**

Dear Mr. Sluis:

I write to follow up again regarding SolarCity's requests for SRP data in the categories described in our letter of June 10, 2015.

To date, SRP has provided a SAS dataset and a replacement SAS dataset that it has represented may cover some or all of these categories; in response to SolarCity's Request for Production No. 5 ("DOCUMENTS, INCLUDING data dictionaries, information-systems schematics, and user training materials, sufficient to show the identity, function, and scope of all databases, data systems, or data sets" identified in response to SolarCity's Interrogatory No. 1), materials purporting to be the requested data dictionaries; and data files apparently provided to consultants in connection with their reports relating to the SEPPs or relied on or used in connection with any documents SRP or its consultants created in support of the SEPPs.

Unfortunately, as we discussed last week, the SAS data produced by SRP (i.e., SRP-Vol. 4 and its replacement) are "damaged" and corrupt; the "data dictionary" materials do not constitute data dictionaries in any reasonable sense of the term; and the produced data files contain links to multiple other files that were not produced. Accordingly, SolarCity renews its long-standing data requests as described below.

**SAS Data**

As we explained on our call last Friday, the SAS data produced by SRP (i.e., SRP-Vol. 4 and its replacement) are damaged and cannot be processed in SAS. Your colleague stated that he believed the data were not damaged because he had been able to view the data in the SAS Universal Viewer. We explained that being able to view data in the SAS Universal Viewer does not mean that the data are undamaged and usable for analyses in SAS, and explained that we need to receive the data in a transport file format to avoid damage.

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On the call, we agreed to test your proposed solution of copying the index file that accompanied the SAS dataset initially produced as part of Volume 4 and pasting it into the folder containing the SAS dataset produced in the Volume 4 replacement (which did not have an accompanying index file). We also agreed that if that process did not work, we would send you a SAS program that will create a transport file format if it is run by the initial data provider in their SAS environment, and you would send us the SAS dataset in a transport file format.

We tested the process you suggested in both PC SAS and AIX SAS environments, using SAS's default settings as well as a non-default setting which specifically addresses how the software interacts with damaged datasets. In all cases, SAS reported that the replacement SAS dataset is "damaged." Please see Attachment A which contains the log files. Please note that we encountered the same damaged data issues with the initial dataset in SRP-Vol. 4, meaning that the replacement dataset did not remedy the problems we raised with the initial dataset despite following your proposed solution.

Therefore, we include as Attachment B a program that can be run in SAS to create a transport file format. Please promptly send a replacement file in a transport file format.

### **Data Dictionaries**

A data dictionary ordinarily contains an explanation of the fields in a dataset and how to interpret the information that they capture, including how to decode the values that populate each field. If a dataset lists various reports that can be run from the data, a data dictionary ordinarily explains what the various reports purport to analyze and how the reports relate to one another. In addition, where data such as a customer's stratum are not readily recorded in any specific field, a data dictionary would ordinarily explain how to identify stratum from the data.

For example, SRP-00014152 is a SAS dataset produced by SRP that appears to relate to invoices. It contains fields with names such as "RATE", "KWH\_ON", "KWH\_OFF", "PROGRAM\_ID", and "DWELLING\_TYPE" without explanation. Without a data dictionary, we cannot know what these fields purport to measure, and some, such as "DWELLING\_TYPE" which displays numbers, are incomprehensible without a decoding guide. We would also expect the data dictionary for SRP-00014152 to explain why the field titled "KW" is always zero.

As we have explained since June, our request for data dictionaries is designed to help both parties efficiently negotiate reasonable data discovery. In your September 1, 2015 letter accompanying your production Volume 5, you wrote that Volume 5 "contains data dictionaries, data models, or similar documents for the (1) Phoenix, (2) EDW, (3) Billing Expert, (4) Itron MWP, and (5) MDMS databases." Unfortunately, all of the data dictionaries you produced in production Volume 5 are unresponsive to our request for data dictionaries because they are all

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inadequate to “show the identity, function, and scope” of their corresponding databases, data systems, or datasets.

SRP produced the following six files in Volume 5 with deficiencies that include the following:

1. **SRP-00013368\_SRP-VOL-005.pdf** – This file appears to list the names of various reports that can be run using SRP’s Phoenix database, but it does not provide any explanation of what the various reports purport to analyze or how the reports are related to one another.
2. **SRP-00014062\_SRP-VOL-005.pdf** – This file does not identify how the file relates to any of the five databases listed in your Sept. 1, 2015 letter, does not provide a list of fields in a database with explanations of the fields, and is in type so small that it is illegible.
3. **SRP-00014063\_SRP-VOL-005.pdf** – This file appears to be related to SRP’s EDW database, but it does not appear to provide a comprehensive listing of the fields in the EDW database with explanations of the fields, and does not provide any explanation of how the reports are related to one another.
4. **SRP-00014064.xlsx** – This file does not identify how it relates to any of the five databases listed in your Sept. 1, 2015 letter, and it does not provide an explanation for most of the fields that are listed.
5. **SRP-00014065\_SRP-VOL-005.pdf** – This file does not provide any explanation of the information recorded in each field.
6. **SRP-00014076\_SRP-VOL-005.pdf** – This file does not provide any explanation of the information recorded in each field. For example, the file lists fields with names like “PROTOCOL” and only appears to explain that this particular field is a number with a length of 22 rather than what the values mean.

We have not identified any documents in your productions to date that adequately show the identity, function and scope of a corresponding database.

We again request that SRP produce documents sufficient to comply with our request for data dictionaries for the databases SRP has described in its responses to SolarCity’s Interrogatory 1. With all due respect, this should not be terribly complicated, and should not have taken three months (and running) to provide. For any database with multiple fields the meaning and contents of which are not self-evident from looking at the database, surely documents exist in the ordinary course of business that define each field and explain how the field is populated. Very simply, that is all we request.

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**Data Responsive to the Categories in Footnote 5 of Our June 10, 2015 Letter**

Particularly in the absence of data dictionaries that would enable us to define an objective, mechanical search in SRP's databases for what we requested months ago, we renew our priority request for data sufficient to show the following (corresponding to the categories in footnote 5 of our June 10 letter):

1. *Demand data: Separately for self-generation customers, Community Solar customers, and non-solar customers by rate class (e.g., E-26, E-27, Community Solar, etc.), data showing demand for SRP-provided electricity (kW) by 15-minute interval for each day for at least three years and daily peak demand for each day for at least three years [i.e., 2012 to present].* According to SRP's supplemental set of interrogatory responses ("SRP Supplement"), some of the demand data appear to be recorded in SRP's MDMS and Phoenix databases for residential and small to mid-size commercial customers (SRP Supplement at 9-10) and SRP's Itron MVWP and Billing Expert databases for mid-to-large commercial and industrial customers (SRP Supplement at 10-11); Community Solar customers appear to be identified in SRP's Billing Expert database (SRP Supplement at 10). Please provide data in all fields necessary to identify the requested information for each customer separately (e.g., customer id no., etc.) and each customer's stratum.
2. *Usage data: Separately for self-generation customers, Community Solar customers, and non-solar customers by rate class (e.g., E-26, E-27, Community Solar, etc.), data showing usage of SRP-provided electricity (kWh) by 15-minute interval for each day for at least three years [i.e., 2012 to present].* According to SRP's supplemental set of interrogatory responses, some of the usage data appear to be recorded in SRP's MDMS, Phoenix and EDW databases for residential and small to mid-size commercial customers (SRP Supplement at 9-11) and SRP's Itron MVWP and Billing Expert databases for mid-to-large commercial and industrial customers (SRP Supplement at 9-11); Community Solar customers appear to be identified in SRP's Billing Expert database (SRP Supplement at 10). Please provide data in all fields necessary to identify the requested information for each customer separately (e.g., customer id no., etc.) and each customer's stratum.
3. *Distributed generation data: For each self-generation customer, data showing generation of electricity (kWh) by 15-minute interval for each day for at least three years [i.e., 2012 to present].* According to SRP's supplemental set of interrogatory responses, some of the distributed generation data appears to be recorded in SRP's MDMS, Phoenix and EDW databases for residential and small to mid-size commercial customers (SRP Supplement at 9-11) and SRP's Itron MVWP and Billing Expert databases for mid-to-large commercial and industrial customers (SRP Supplement at 10-11). Please provide data in all fields necessary to identify the

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requested information for each customer separately (e.g., customer id no., etc.) and each customer's rate class and stratum.

4. *Community Solar generation data: For each Community Solar generating facility, data showing generation of electricity (kWh) by 15-minute interval for each day for at least three years [i.e., 2012 to present].* According to SRP's supplemental set of interrogatory responses, some of the Community Solar generation data appear to be recorded in SRP's Itron MVWP and Billing Expert databases. Please provide fields necessary to identify the data for each generating facility separately.

For each of the above requests, if any fields in the databases are code (e.g., a field takes the values 1, 2, 3, etc., where each value is associated with a specific meaning), please provide a decode table and explanation for how to interpret the coding.

#### **Missing Data Files To Which Files Produced Contain Links**

SRP's Vol. 2 production included a number of the Excel files that included links to other files which were not provided.<sup>1</sup> While reserving our right to request additional missing files (the list below is not comprehensive), we request production of the following files on a priority basis:

1. Support Work\Energy\Average Energy Prices FY12 1-17-13.xlsx (referenced in SRP-00011191.xlsx)
2. Support Work\Load Analysis\LR Data By Class FY12.xlsx (referenced in SRP-00011191.xlsx and SRP-00011341.xlsx)
3. Support Work\Residential Data\E23 E26 Recovery Data FY12 with E21 LOLP.xlsx (referenced in SRP-00011341.xlsx)
4. Support Work\Cost Trends\Marginal Cost October 2012\_\_Chuck Weidner.xlsx
5. Acct Data\2012 mcs data for chuck 560-573.xlsx
6. Support Work\Trans and Dist Cap Ex\Marginal Cost FY13 (January 2013).xlsx

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<sup>1</sup> For example, the folder name "RevModel SAS" appears in SRP-00011340 in cell C96 of the tab "FP15 FY15-20 By Class V15" (the file and path referenced there is "\Finance\CORP PRICE\RevModel SAS\Rev Mod FY15-24 Forecast\FP15 Factors From Design Request - LV.xlsx" (emphasis added)). The same folder can also be seen in cell J97 of the same file ("[\srp.gov\50000\Finance\CORP PRICE\RevModel SAS\Rev Mod FY15-24 Forecast\FP15 Factors From Design Request - LV.xlsx](#)" (emphasis added)). In addition, SRP appears to have an entire directory devoted to SAS code based on the directory paths for the linked Excel files. For example, in SRP-00011191 in cell K105 of tab "Sch 1", there is a link to the following path and file: "\SAS Code\Energy\MarginalCost-FP14K\_010213 Midas v1.xlsx". This tab states "UPDATE LINKS AFTER SAS RUNS" in cell N9.

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7. Support Work\PCES Capital Input Summary\PCES Marginal Cost Study FY13.xlsx
8. Support Work\HCA\HCA Schedule 8.xlsx
9. //srp.gov/50000/Finance/CORP PRICE\MCS\mcs2012\Acct Data\2012 mcs data for chuck 574-584.xlsx
10. //srp.gov/50000/Finance/CORP PRICE\MCS\mcs2012\Acct Data\2012 mcs data for chuck 585-598.xlsx
11. <http://www.wecc.biz/Planning/ResourceAdequacy/PSA/Documents/2012%20Power%20Supply%20Assesment.pdf>
12. Support Work\LOLP\LOLP Results.xlsx
13. Support Work\Probability of Peak\FY2012 POP 12-4-12.xlsx
14. Support Work\Losses\FY13 Loss Summary 8-5-14.xlsx
15. Support Work\Dedicated Sub Data\Dedicated Subs\_2012-2013.xls
16. Support Work\Facilities Cost\2012 New Circuits Summary.xls
17. Support Work\Facilities Cost\Apartment Jobs.xlsx
18. Support Work\Facilities Cost\Residential KVACS.xlsx
19. Support Work\Residential Data\FY12 Dwell Types.xlsx
20. Support Work\Customer Service O&M\2012 data for marsha 900s.xlsx
21. SCH13AF\_12 01-30-13.xlsx

We appreciate your prompt attention to these requests and look forward to your response.

Very truly yours,



Shira Liu